

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ANGELA POWELL,

3:13-cv-1216-AC

Plaintiff,

ORDER ON
OBJECTIONS TO WITNESSES

v.

SYSTEM TRANSPORT, INC., and
DANNY CANADY,

Defendants.

ACOSTA, Magistrate Judge:

This order resolves Plaintiff Angela Powell's ("Plaintiff") and Defendants System Transport, Inc., and David Canady's ("Defendants") respective objections to each other's witnesses. The court also has issued a separate order containing its rulings on the parties' respective motions in limine. In the event of a conflict between this order and the court's ruling on the parties' motions in limine, the court's motion in limine rulings control.

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ORDER ON OBJECTIONS TO WITNESSES 1

Plaintiff's Witnesses

1. Catriona Buist, Pys.D.:

RULING: SUSTAINED in part, OVERRULED in part.

Subpart (a): **OVERRULED.**

Subpart (b): *See Ruling on Defendants' Motion in Limine No. 1.*

Subpart (c): *See Ruling on Defendants' Motion in Limine No. 1.*

Subpart (d): *See Ruling on Defendants' Motion in Limine No. 1.*

Subpart (e): *See Ruling on Defendants' Motion in Limine No. 1.*

2. Dr. Jonathan Crist, M.D.:

RULING: SUSTAINED in part, OVERRULED in part.

Subpart (a): **OVERRULED.**

Subpart (b): *See Ruling on Defendants' Motion in Limine No. 2. Regarding the additional objection that Dr. Crist is not qualified to opine whether the accident caused Plaintiff's breast implant to leak, that objection is* **SUSTAINED.**

Subpart (c): *See Ruling on Defendants' Motion in Limine No. 2.*

3. Dr. Matthew McGehee, M.D.:

RULING: SUSTAINED in part, OVERRULED in part.

Subpart (a): **OVERRULED.**

Subpart (b): *See Ruling on Defendants' Motion in Limine No. 3.*

Subpart (c): **OVERRULED.** Plaintiff is may testify to her pain and suffering caused by the accident, and the probability of future medical treatment is relevant to those damages even if Plaintiff is not seeking to recover her past and future medical expenses.

Subpart (d): *See* Ruling on Defendants' Motion in Limine No. 11.

Subpart (e): *See* Ruling on Defendants' Motion in Limine No. 14.

Subpart (f): **SUSTAINED.**

4. Angela Powell:

RULING: SUSTAINED in part, OVERRULED in part.

Subpart (a): Regarding testimony about the lack of health insurance, *see* Ruling on Defendants' Motion in Limine No. 11.

Subpart (b): **SUSTAINED in part.** Plaintiff may testify about the emotional distress resulting from her inability to support herself. References to specific sources of alternative support, such as food stamps and Medicaid, are excluded.

5. Katharyn Thompson:

RULING: SUSTAINED in part, OVERRULED in part.

Subpart (a): **OVERRULED.**

Subpart (b): *See* Rulings on Defendants' Motion in Limine Nos. 5, 6, and 7.

Subpart (c): **OVERRULED.**

Defendants' Witnesses

1. John Lipnicki:

RULING: OVERRULED.

2. Gregson Parker:

RULING: OVERRULED.

3. Paul Tesar:


RULING: OVERRULED.

4. Donna Wicher:

RULING: OVERRULED.

IT IS SO ORDERED.

DATED this 7th day of May, 2014.



JOHN V. ACOSTA
United States Magistrate Judge